

EXHIBIT E

1 IN THE UNITED STATES DISTRICT COURT FOR THE
2 EASTERN DISTRICT OF MICHIGAN
3 SOUTHERN DIVISION

4 _____
5 SHERYL MILLER,

6 Plaintiff,

7 v. Civil Action No.

8 WILLIAM BEAUMONT HOSPITAL dba 3:21-cv-12259
9 BEAUMONT HEALTH SYSTEM,

10 Defendant.

11 _____
12 VIDEOCONFERENCE DEPOSITION OF

13 ROSEANNA VON LINSOWE

14 DATE: Tuesday, April 11, 2023

15 TIME: 2:16 p.m.

16 LOCATION: Remote Proceeding

17 2000 Town Center, Suite 1650

18 Southfield, MI 48075

19 REPORTED BY: Priscilla Gibbs, Notary Public

20 JOB NO.: 5866431

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1 A P P E A R A N C E S

2 ON BEHALF OF PLAINTIFF SHERYL MILLER:

3 AUSTEN J. SHEAROUSE, ESQUIRE (by videoconference)

4 Carla D Aikens, P.L.C.

5 615 Griswold, Suite 709

6 Detroit, MI 48226

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9
10 ON BEHALF OF DEFENDANT WILLIAM BEAUMONT HOSPITAL dba
11 BEAUMONT HEALTH SYSTEM:

12 ELYSE K. CULBERSON, ESQUIRE (by videoconference)

13 Jackson Lewis PC

14 2000 Town Center, Suite 1650

15 Southfield, MI 48075-1146

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17 (248) 936-1900

18
19 ALSO PRESENT:

20 Jennifer Zinn, In-House Counsel (by
21 videoconference)

22 Roseanna Von Linsowe, Corporate Representative
23 for Beaumont (by videoconference)

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1 P R O C E E D I N G S

2 THE REPORTER: My name is Priscilla
3 Gibbs; I am the reporter assigned by Veritext to take
4 the record of this proceeding. We are now on the
5 record at 2:16 p.m.

6 This is the deposition of Roseanna Von
7 Linsowe taken in the matter of Sheryl Miller vs.
8 William Beaumont Hospital doing business as Beaumont
9 Health System on Tuesday, April 11, 2023, via Zoom.

10 I am a notary authorized to take
11 acknowledgments and administer oaths in Michigan.
12 Parties agree that I will swear in the witness
13 remotely.

14 Additionally, absent an objection on
15 the record before the witness is sworn, all parties
16 and the witness understand and agree that any
17 certified transcript produced from the recording of
18 this proceeding:

19 - is intended for all uses permitted
20 under applicable procedural and
21 evidentiary rules and laws in the same
22 manner as a deposition recorded by
23 stenographic means; and
24 - shall constitute written stipulation
25 of such.

At this time will everyone in attendance please identify yourself for the record.

MR. SHEAROUSE: Austen Shearouse on behalf of the plaintiff.

MS. CULBERSON: Elyse Culberson on behalf of the defendants. And joining me shortly will be Beaumont's in-house counsel, Jennifer Zinn.

MS. VON LINSOWE: And Roseanna Von Linsowe.

THE REPORTER: Thank you. Hearing no objections, I will now swear in the witness. Please raise your right hand.

WHEREUPON,

ROSEANNA VON LINSOWE,
called as a witness, and having been first duly sworn
to tell the truth, the whole truth, and nothing but
the truth, was examined and testified as follows:

THE REPORTER: Thank you.

EXAMINATION

BY MR. SHEAROUSE:

Q Good afternoon. My name is Austen Shearouse. I am one of the counsels for Ms. Miller in this action. I just want to go over a couple quick things just so we can make sure the record is clear and that you kind of understand all the parameters of

1 the deposition. Have you ever had your deposition
2 taken before?

3 A No.

4 Q So just like the court reporter said, let's
5 make sure to try our best not to talk over each other.
6 I know it will probably happen still. But especially
7 with Zoom, I'm going to do my best to give a couple
8 extra seconds after your answer. I would ask you do
9 the same for any questions that either myself or Elyse
10 pose, just to make it easier on the court reporter.

11 Make sure all your answers are verbal. I
12 know we do have a tendency to point or talk with our
13 hands or nod, but that can make it very difficult for
14 the court order to take down an accurate record. If
15 at any point in time you need a break, by all means,
16 just let us know. All I ask is that if myself or
17 Elyse has posed a question, let's answer that question
18 before we take that break. That sound good?

19 A Yes.

20 Q Okay. Can you state your full name for the
21 record, please?

22 A Roseanna Lani Von Linsowe.

23 Q And what is your date of birth?

24 A 5/11/1960.

25 Q And are you currently employed?

1 A Yes.

2 Q Where are you employed at?

3 A Corewell Health East.

4 Q And that was previously Beaumont, correct?

5 A Yes.

6 Q What Beaumont location was that known as?

7 A I started off at Beaumont, Royal Oak, and
8 then I moved to Trenton, and now I work virtually.

9 Q And your current role, what is your current
10 job title at Corewell Health?

11 A Supervisor of financial counseling for
12 Corewell Health East South sites.

13 Q And what position did you hold at Beaumont,
14 Trenton?

15 A Supervisor of patient access registration.

16 Q And was that a similar position to what you
17 held at Beaumont, Royal Oak?

18 A At Beaumont, Royal Oak, I was the lead
19 financial counselor.

20 Q And just so I understand, what does the lead
21 financial counselor do?

22 A So I participate with the hiring, the
23 training, providing all manuals, and work with all new
24 hires one-on-one until they're fully trained.

25 Q And then what were your responsibilities as

1 the supervisor of the PAR at Beaumont, Trenton?

2 A Just day-to-day operations, which included
3 scheduling, on-call duty, work queues, assisting PAR
4 staff where needed, attending various meetings on
5 denials management.

6 Q And when did you start working at Beaumont,
7 Trenton?

8 A October 8th of 2018.

9 Q And then do you know what date you
10 officially moved into your new role at Corewell
11 Health?

12 A Well, I left PAR on October -- not October.
13 December 31st of 2020. October 1st of 2021, I became
14 the financial counselor there, and then I officially
15 got promoted on December 25th of 2022 to PAR -- not
16 PAR supervisor. I'm sorry. Financial counseling
17 supervisor.

18 Q So you said that on December 31st of 2020,
19 you left the PAR supervisor position?

20 A Yes.

21 Q What position did you move into?

22 A The financial counselor.

23 Q Financial counselor. Okay.

24 A Yes.

25 Q So it was December 31, 2020, you moved into

1 the financial counselor. Then on October --

2 A No. January 1st of 2021, I started.

3 Q Okay. January 1st.

4 A Yes.

5 Q And then you said October 25th of 2022 was
6 what again?

7 A No. December 25th of 2022, I got the
8 promotion to finance -- supervisor of financial
9 counseling of Corewell Health East, the south sites.

10 Q Got you. Okay. So you were a lead
11 financial counselor and then moved into that
12 supervisory role at that time?

13 A No, no. So I was a lead financial counselor
14 at Royal Oak. Then I moved, and I got a promotion for
15 PAR supervisor on October 8th of 2018. I left that
16 position on December 31st of 2020 and went into the
17 benefit advisor financial counselor, we've just
18 rebranded right now, on January 1st of 2021 and then I
19 got the promotion for a supervisor of financial
20 counseling December 25th, 2010. Yep, 2020.

21 Q Okay. Perfect. Thank you for clarifying
22 that. Just trying to get that timeline. Okay. And
23 the role of benefit advisor that you started in
24 January 1st of 2021, what were some of the
25 responsibilities of that role?

1 A We work with the underinsured and uninsured
2 population by providing program enrollment, whether it
3 be state, federal. We provide financial assistance
4 where applicable, so we work with all patients who are
5 under deserved to ensure that they can continue with
6 healthcare and not have a financial burden to them.

7 Q And when you started in that benefit advisor
8 role, was that still -- was the hospital still known
9 as Beaumont at that time?

10 A Yes.

11 Q So going back to your role as the supervisor
12 of the PAR, did you have any input on FMLA leave for
13 the employees under your purview?

14 A Never. No. That was done by the leave
15 specialist.

16 Q Okay. And what was the leave specialist's
17 name during your tenure there if you can --

18 A Cheryl Cobb.

19 Q Okay. And Ms. Cobb would be the one to
20 direct any questions regarding FMLA approval or
21 denial?

22 A Yes.

23 Q Okay. And was that her official title was
24 the leave specialist?

25 A I don't know.

1 Q And I apologize for jumping around a little
2 bit, but I'm going to move over toward March of 2020
3 when the COVID pandemic started to come into full
4 swing. So if I refer to the pandemic or the height of
5 COVID, I'm kind of referring to that general time
6 between March of 2020 and July.

7 A Sure.

8 Q At the beginning of March of 2020, did
9 Beaumont issue any specific COVID policies?

10 A Well, actually, it didn't come out at the
11 beginning of March 2020. We all kind of knew because
12 we heard from the news, it started hitting full force
13 probably, like, mid-March.

14 Q So around mid-March is when it started
15 really hitting and you noticed an uptick.

16 A So yeah, like, the 15th to the 20th. Yeah,
17 that's when it really started. Kind of.

18 Q I know you're not on the ER floor all the
19 time in your role. But were you noticing an uptick in
20 foot traffic at the hospital during that time?

21 A Well, actually, I did visit the emergency
22 room because the office was right -- our office was
23 right outside that area. So I was in a very close
24 proximity to it. Not so much an increase right then,
25 because I think everybody was really afraid. It was

1 the unknown, the fear of the unknown. You're afraid
2 to go outside. Are you going to get COVID? That sort
3 of thing. So I didn't notice an increase until maybe
4 a little bit later on.

5 Q Okay. And at that time in mid-March, was
6 Beaumont providing any safety equipment to its PAR
7 staff?

8 A Absolutely.

9 Q What equipment was being offered?

10 A We received surgical masks, we received
11 gloves, and we received, like, surgical gowns.

12 Q You said gloves, surgical masks, and gowns,
13 correct?

14 A Yeah. As quickly as we could get them in,
15 they were provided to staff.

16 Q Was there ever a time that N95 masks were
17 being offered to the PAR staff?

18 A Later on during the pandemic, not right --
19 not right away, because they did not have enough.
20 They did not have enough N95 masks for the physicians
21 who had to do emergency surgery and bedside in the
22 emergency room, and nurses who had face to face
23 contact, they did not have enough. And actually Ford
24 Motor Company was making some for us, too.

25 Q So I know there was a national shortage, but

1 Beaumont itself also didn't have a supply large enough
2 for everybody at that time?

3 A Yes.

4 Q Okay.

5 A There was worldwide shortage, I think.

6 Q And was that a particular policy that
7 Beaumont, like, issued covering that during that time?

8 A Covering what?

9 Q The shortage of masks at that time, like,
10 saying which employees could and couldn't get masks.

11 A Well, Beaumont always put out, like,
12 newsletters, you know, on the internet. And I'm sure
13 they put something out there that there was a
14 shortage, but we're going to provide you with enough
15 PPE. So those folks who weren't directly medical
16 hands on, they were trying to preserve that for them,
17 but Beaumont always had podcasts of some sort. So as
18 far as that, I really don't remember because there's
19 too much going on.

20 Q Hey, that is fair. That's fair. But to
21 your knowledge, as you sit here today, you think that
22 there was at least some sort of newsletter or
23 something put out by Beaumont stating the issues with
24 this shortage of masks?

25 A Oh, yes.

1 Q Okay. To your knowledge, anything related
2 to that production or policy, did it prevent someone
3 from bringing their own N95 masks?

4 A Absolutely not.

5 Q Okay. And then you said at some point later
6 down the line, Beaumont had enough of a supply to
7 offer N95 masks to its other staff; is that correct?

8 A Yes.

9 Q Do you know roughly what date?

10 A Not the date. It probably was -- probably
11 four or five months down the road they were able to.

12 Q Late 2020?

13 A Well, I don't know if it's late 2020. I
14 don't know. Maybe the third quarter.

15 Q Okay.

16 A When they got them in, when they got an
17 ample supply in, and those folks who worked in the --
18 in the operating room operating on patients doing all
19 of that had ample supply.

20 Q And also during that time of that initial
21 surge of COVID in March of 2020 to roughly July of
22 2020, were any of the services or offices that
23 Beaumont typically offered affected by COVID?

24 A All of the outpatient elective services were
25 shut down. That included the Breast Care Center, the

1 surgical center, and radiology. So the only time that
2 one could receive a surgery if it was an emergency or
3 any type of radiology if they came through emergency
4 and then they had to go to radiology. So that was the
5 only -- yes, they were shut down.

6 Q Got you. So the only radiological and
7 surgical procedures that were being done were the ones
8 that were really necessary?

9 A -- emergency room or, you know -- I don't
10 know. Trying to give an example. If they had a heart
11 attack -- something like that, but yeah.

12 Q Okay. Got you.

13 A Any life threatening. All elective was shut
14 down.

15 Q Okay. And do you know roughly when those
16 services began to open back up?

17 A Well, they started opening them back up in,
18 like, May and they were staffing to volume. So
19 because we had the social distancing of six feet, this
20 is a very small hospital, and our waiting rooms -- we
21 could only provide maybe four seats at a time for
22 social distancing. So they were staffing to volume,
23 and it was probably mid-May. Like, they'd start off
24 at 25 percent, and then move up to 50 percent, 75
25 percent.

1 Q And so around that time in mid-May was when
2 the elective procedures and the Breast Care Center and
3 all those things that you mentioned earlier began to
4 staff to volume and open back up?

5 A Yes.

6 Q Okay. And when the Breast Care Center
7 opened back up, what, I guess -- strike that. Prior
8 to the start of the COVID pandemic in March of 2020,
9 was Ms. Miller primarily working in the Breast Care
10 Center?

11 A Yes.

12 Q And was there any particular reason that she
13 was working in the Breast Care Center?

14 A Well, when I came along to Beaumont,
15 Trenton, the registrars got to pick where they wanted
16 to work, okay, which really in turn crippled them
17 because they didn't know other areas of registration.
18 So Sheryl came in and she worked at the Breast Care
19 prior to COVID, yes.

20 Q And then Ms. Miller took a medical leave
21 during the height of that pandemic that I mentioned
22 earlier, correct?

23 A Yes.

24 Q And do you know what the reason for that
25 medical leave was?

1 A Medical leave paperwork, it said asthma.

2 Q To your knowledge, was asthma a high risk
3 factor for people potentially contracting COVID?

4 A I don't know because I'm not in clinical.

5 Q And do you know roughly when Ms. Miller
6 returned to work?

7 A July 6th of 2020.

8 Q And on July 6th of 2020, did she resume her
9 role in the Breast Care Center?

10 A No, she did not.

11 Q Where was Ms. Miller assigned?

12 A She was assigned in a cubicle in
13 registration. Her role was registering patients over
14 the telephone who -- so back then, prior to having a
15 surgery, two days prior, you had to have a COVID test.
16 So if you were tested positive for COVID, they would
17 cancel your surgery and you'd have to wait three
18 months to get scheduled again.

19 What Sheryl Miller did is she sat at a
20 cubicle. The patients, when they came in our circular
21 driveway, would call into the receptionist desk to let
22 them know they're ready to be registered. That call
23 would be transferred to Sheryl. And all the bands
24 were already made, all of that. And she would just go
25 over their information with them.

1 So once that was complete, the nurse would
2 go out who had -- was fully gowned head to toe would
3 go out to curbside and give the patient their COVID
4 tests. And all those COVID tests were shipped to
5 Royal Oak for testing within 24 hours. Sheryl had no
6 face to face contact with any patients.

7 Q And on that date that she returned back, was
8 there another person assigned to regularly work at the
9 Breast Care Center?

10 A When all those elective services shut down,
11 the Union told us how we had to bring our staff back
12 because they went into a labor pool. The ones with
13 the least seniority went into a labor pool. And then
14 when we're staffing, they told us how we had to bring
15 everybody back. And so Renee LaBo was assigned to the
16 Breast Care Center. The Union said it's based on
17 seniority.

18 Q So help me understand a little bit more on
19 that topic. So the based on seniority, was that based
20 on preference on where they wanted to go?

21 A So you have three shifts there. The first
22 shift is days, and you have X amount of people there.
23 So X amount of people had to go into the labor pool if
24 they wanted to earn money because there was not enough
25 work for them to do, okay? And then you have the

1 afternoon shift, same thing. The only shift that
2 wasn't affected was the midnight shift, because there
3 was only two people on the midnight shift.

4 So the Union told us you have to go to each
5 shift and bring these people back and ask them what
6 they want. Not as far as where they wanted to work
7 because we were trying to do -- like, we were trying
8 to have everybody work in different areas of
9 registration. Because as I told you, it literally
10 crippled them because, like, one person who usually
11 worked in the -- arriving the patients didn't know how
12 to do radiology. So if we had to pull them there,
13 they were stumped.

14 I don't -- so, anyway. Renee LaBo had
15 actually, you know, one of the higher seniorities.
16 She was hired on for fulltime days where everybody
17 else was hired full time rotating shift. She's the
18 only one in that department that was hired fulltime
19 days. So she went to the Breast Care Center.

20 Q And was the Breast Care Center the only spot
21 that had fulltime days?

22 A There were other areas. But what I'm trying
23 to say is fulltime days is -- it's not rotating, you
24 know. You could -- when you go on fulltime rotating,
25 you could actually do days, afternoons and midnights.

1 The one with the fulltime days is the one that has
2 that, like -- that highest seniority. So the rotating
3 could be, again, two weeks on days, two weeks -- like
4 nurses do or they did. They don't do it anymore.

5 Q Right. So my question was, is the Breast
6 Care Center the only spot that Ms. LaBo could have
7 been placed to have that fulltime day part of her
8 employment?

9 A No. She could have went to surgery.

10 Q So surgery was another spot that had that.
11 Was there any other spots that would have had the
12 availability for her to work those fulltime days?

13 A So yeah. No, no. So when you're -- when
14 you're dealing with the Union and seniority, okay, you
15 have to start with the top people who have the highest
16 seniority and work your way down. So somebody who had
17 much higher seniority than Renee, who's been there
18 over 20 years, wanted the surgical center, and then
19 you move down from there. Then we have we have the
20 Breast Care Center open. Ms. Miller isn't back to
21 work yet at all, and it comes down to Renee. And she
22 could have probably taken the surgical center if she
23 wanted to. So it came down to Renee, and she took the
24 Breast Care Center, and Sheryl was not even back to
25 work yet.

1 Q And so was Ms. LaBo contacted about her
2 options?

3 A Yes. She was.

4 Q So she was contacted and said, "Your options
5 are the Breast Care Center or surgery," and she picked
6 the Breast Care Center?

7 A I asked her if she wanted the Breast Care
8 Center because we needed that filled when we were
9 opening up full time. There was somebody else working
10 in there when we started opening up. There was
11 somebody else working in there, but she had lower
12 seniority. Then we're trying to fill these spots
13 completely.

14 So at that point, Renee was always a
15 fulltime day shift person. Since we had to reduce
16 staff, the people with the lower seniority had to go
17 into the labor pool. The other people with higher
18 seniority, they had to go to different shifts. So at
19 that time, Renee had to bump down to an afternoon
20 shift.

21 So now we're opening stuff back up, and
22 we're picking up speed, then we're -- we need more of
23 our employees, so we are pulling people back from the
24 labor pool and then they're moving up back into their
25 prospective spots. You know, some people who had

1 always worked days had to do midnights.

2 Q And so if Renee LaBo testified that she
3 never actually was asked about what department or what
4 area she would be assigned to, you would dispute that?

5 A Well, I had conversations with all of the
6 employees about, you know, "Where do you want to go?
7 This and that." And I believe Renee doesn't really
8 remember.

9 Q So you do have reason to dispute it?

10 A Yes.

11 Q And your reason for saying that Renee
12 doesn't really remember it, is there any documentation
13 evidencing that communication that you had offering
14 her?

15 A No. The picture here is -- or the reality
16 here is everything was crazy during that time. There
17 was so much communication. Things were changing,
18 actually, it seemed like by the minute because we had
19 COVID. It was -- we haven't had a pandemic since,
20 what? 1918. Nobody knew how to deal with it. We
21 were all scrambling, trying to reach out.

22 There was so much communication going back
23 and forth to the employees that this is why I say it
24 because a lot of them don't remember. And, you know,
25 they were just trying to hold on to their jobs.

1 Beaumont was not laying off anybody. And you know,
2 they had to go into, like I said, the labor pool, and
3 so on and so forth.

4 So there was just so much communication
5 changing every single day, and it seemed like every
6 single minute. So intentional -- no. Renee probably
7 does not remember just due to the fact that there was
8 so much going on. She's going from afternoons back to
9 days and --

10 Q Have you ever gotten into an argument with
11 Ms. Miller?

12 A No. She argued with me.

13 Q And what was this argument concerning?

14 A She had -- she had sent me an email telling
15 me when she was going to come back and I said, "Oh,
16 perfect." She says, "And I expect to come back to my
17 same job in the MOB." And that's when I had to inform
18 her, "We have two spots left open. We have 9 a.m.
19 until 5:30 doing the registration for the COVID
20 curbside screening, the nurses doing that, or we have
21 an afternoon shift. Those are the only two things we
22 have left over."

23 She went completely -- she lost it. She was
24 screaming and yelling and hyperventilating and, you
25 know, "I'm going to -- I'm going to do this to you.

1 I'm going to do that," very threatening. And so then
2 she ended up hanging up the phone on me. She called
3 the chief Union steward, did the same thing to her.
4 The chief Union steward called me and said, "What is
5 going on?" And then she did the same thing to HR. So
6 that -- she argued with me. I refused to engage with
7 her.

8 Q And did anyone see this argument?

9 A No. She called me on the phone, and I was
10 at home. I was at home. Yeah.

11 Q Do you know the date of that call?

12 A Oh, gosh. It's in the investment tracker as
13 everything was documented in her email to me. It was
14 copied, too. So it's in the investment tracker, maybe
15 a couple of weeks before she was coming back. But
16 you'll see it in the investment tracker.

17 Q And so you said that occurred over the
18 phone, correct? There was -- not via email.

19 A Yes. It occurred over the phone.

20 Q Okay.

21 A But she sent me an email stating about the
22 Breast Care Center and her coming back.

23 Q Okay. And you said that Ms. Miller was
24 going to complain to the Union about this?

25 A Yes.

1 Q Were there any other Union complaints that
2 were going on during this peak time of COVID?

3 A With employees?

4 Q Yeah. With employees under your --

5 A Can you clarify your question?

6 Q Yeah. With --

7 A -- elaborate more?

8 Q program. Yeah. With employees in the PAR
9 between this time of March 2020 and July of 2020, were
10 there other complaints brought to the Union about
11 whatever was going on with either shifts or --

12 A Yes. Yes. Yeah. Yes. And we were
13 following Union guidelines, and that's what the Union
14 had told them, because the Union dictated how we were
15 to schedule everybody.

16 Q I'm going to go ahead and share my screen
17 real quick. I'll zoom in a little bit here. Let me
18 know if let me know if you can read that okay. And
19 once you can, just take a moment and read over that
20 email.

21 MS. CULBERSON: Austen, could you let
22 me know the Bates number on that when you get a
23 chance?

24 MR. SHEAROUSE: This is from our
25 production to you. I can tell you that it's from part

1 four of Ms. Miller's production, page 17.

2 MS. CULBERSON: Okay. And then, sorry,
3 what's the date on that?

4 MR. SHEAROUSE: July 31, 2020 at 7:21.

5 MS. CULBERSON: Thanks.

6 MR. SHEAROUSE: Of course.

7 THE WITNESS: Okay.

8 BY MR. SHEAROUSE:

9 Q And so this was dated July 21, 2020, and it
10 was --

11 A July 31st. July 31st.

12 Q Yeah. July 31, 2020. Sorry. And it said
13 that here in the second line or first line says,
14 "Okay, ladies. The email from you was brought over to
15 me and several people are not happy. I'm not happy
16 because she blatantly ignored the Union contract over
17 and over." Do you know what this was concerning?

18 A No. I do not.

19 Q So earlier you said that the -- with the
20 result or with these other issues that people were
21 bringing to the Union during this time that the Union
22 was telling people that they were following -- you
23 were following procedure; is that correct?

24 A During this time, because of how we had to
25 staff, that was the main reason. They were upset

1 about that, and I do know that they went to the Union.
2 Yes. But do I know the talks between them and the
3 Union? No.

4 Q Okay. But so do you know who Geri Souve is?

5 A She's a former chief Union steward.

6 Q Was she a part of, like, the Union
7 representation on July 31st, 2020?

8 A Yes.

9 Q So if she's saying that there was a part of
10 the Union contract that's being ignored, you don't
11 know what specifically she's referring to?

12 A No. I do not.

13 Q And then in it, it expressed some concerns
14 that have been expressed to her about people wanting
15 to lose -- not wanting to lose their vacations,
16 thinking that you might retaliate and take vacations
17 away. Do you know what any of that was about?

18 A No. But I'm sure they're going to say that.
19 Meaning you've got the whole Union gang there
20 together, and they're going to, you know -- I can't
21 take vacations away. So that that accusation is
22 absolutely absurd. You can't take any vacation time
23 away from somebody. They've earned it. They're
24 scheduled. You can't take it away.

25 Q So when you say "can't take it away," you

1 can't take it away once it's gets put on the schedule?
2 I'm a little bit confused. I just want to understand.

3 A Well, I don't even understand what they're
4 trying to say that I would take their vacation away.
5 I don't even understand that. It just -- it's, you
6 know -- I mean, let's look at it in the logical sense.
7 I put in for vacation time, you give it to me, and
8 then, what? A week later, I'm going to tell you, "No.
9 You can't have it anymore"?

10 Q Okay. I'm just asking --

11 A And I can't deny vacation time due to
12 anything at all. If somebody puts in for it, and if
13 it's available, you have to give it to them.

14 Q And who approves the vacation for the PAR
15 staff?

16 A Supervisors do.

17 Q And on July 31st of 2020, who would the
18 supervisors have been?

19 A Me.

20 Q So on July 31, 2020, you would have had the
21 ability to approve vacations?

22 A Absolutely. And providing we were fully
23 staffed or we had enough staffing, everybody got their
24 vacation time.

25 Q And other than this argument that you had

1 with Ms. Miller on the phone, did you ever have any
2 other arguments with her?

3 A I didn't have an argument with her.

4 Q Other than this discussion that you had on
5 the phone with Ms. Miller --

6 A Okay. No.

7 Q Did you ever have to discipline Ms. Miller?

8 A She never received a corrective action from
9 me. She only received counseling.

10 Q And what is counseling? Just so I
11 understand the difference in this context.

12 A A conversation.

13 Q And these conversations, are they recorded
14 somewhere?

15 A In the investment tracker.

16 Q And what was the content, if you remember,
17 of these conversations that you had?

18 A I received complaints, multiple complaints,
19 from Ashley Crowley who was the manager of the Breast
20 Care Center that Sheryl was holding up registration
21 and therefore appointments had to be canceled because
22 there's, you know -- they schedule them on time all
23 the time. And when one gets backed up, it's like a
24 domino effect. So she couldn't keep up.

25 And these patients are already

1 preregistered. So it's basically a few questions and
2 then you're done. So she could not keep up. Patients
3 were getting upset, complaining, leaving, you know. A
4 lot of these people had time, like, maybe women going
5 on a lunch break and going to have their mammogram
6 done.

7 So Ashley, who is the manager of the Breast
8 Care Center, had sent me an email plus called and
9 said, "Can you have one of your staff come down?" So
10 she would move out of her office and have one of our
11 staff go down and help get everything caught up so we
12 didn't have to cancel all these appointments.

13 Q And you said that you received multiple
14 complaints about this?

15 A Yes.

16 Q Do you know how many complaints you
17 received?

18 A Probably three or four, I would guess. She
19 would just -- one was in writing and then she would
20 call on the phone, and so we fixed the problem.

21 Q And what was the solution to the problem?

22 A We met with Sheryl Miller and the chief
23 Union steward and asked her, you know, if there's
24 anything we could assist her with. What are her
25 barriers to having a backlog here? Because everything

1 is already preregistered. So preregistered means
2 everything is completely done. You just ask a few
3 questions. It's like a little assembly line, and so
4 we asked her what barriers are there. What can we
5 help her with? And she said, "Nothing, nothing,
6 nothing." And so we gave her two weeks to improve,
7 otherwise she would have to be moved from the area.
8 And she improved.

9 Q And do you know when that conversation
10 occurred?

11 A In January of 2020. And it's in the
12 investment tracker also.

13 Q And then you said you never had to give
14 Ms. Miller any corrective action. Are you aware of
15 any corrective action that Ms. Miller had received?

16 A I don't --

17 Q Just during her time at Beaumont.

18 A No.

19 Q No?

20 MR. SHEAROUSE: If we could take, like,
21 a five minute break real quick so I can just look over
22 my notes real quick.

23 MS. CULBERSON: Okay. So how about,
24 like, five after?

25 MR. SHEAROUSE: Yeah. Five after.

1 THE REPORTER: Off to break at 3
2 o'clock p.m.

3 (Off the record.)

4 THE REPORTER: We're now back on the
5 record. It is now 3:09 p.m.

6 BY MR. SHEAROUSE:

7 Q Okay. Just a couple more questions. I
8 appreciate you taking the time to answer all of this
9 for me so I can get a little better picture about what
10 was going on. When Ms. Miller returned from work, she
11 was assigned to a schedule that was different than her
12 scheduled prior to COVID; is that correct?

13 A Yes.

14 Q And the reason for that change was due to
15 the lack of availability of shifts; is that correct?

16 A Yes.

17 Q And so what I'm trying to understand just a
18 little bit more about how Ms. Miller ended with these
19 shifts. So when you started pulling from the labor
20 pool to assign people to shifts, you were going based
21 off of who was available at that time, correct?

22 A No.

23 Q No?

24 A No. So say, for instance, you have eight
25 people on days, okay? And all of our elective

1 services are shut down, completely shut down. So we
2 only need four people, okay? So we take from the
3 bottom on the day shift, the lowest seniority, and
4 move up. We remove them out of there. They got some
5 days there. They filled in. They didn't get a full
6 40 hour -- or I should say 80 hour because they're
7 paid biweekly.

8 So they -- Beaumont made arrangements for
9 them to pick up hours in the labor pool and go all
10 around and do whatever, whether pick up dirty PPE or
11 this or that, they made hours available. They --
12 these folks did not have to pick up those hours if
13 they didn't want to.

14 And normally in a job when you take time
15 off, you have to use your paid time off, okay? I told
16 these folks you don't have to. You could go -- if you
17 want to take your paid time off, you can. If you
18 don't want to work the labor pool, you can. You don't
19 have to. If you want to take your time off without
20 pay you, you could do that. So we were very, very
21 flexible with them.

22 So now we're opening up our elective
23 services by staffing to volume, and we're starting to
24 slowly bring people back in with -- and it's based by
25 seniority. We followed the Union handbook to a T,

1 whether Geri Souve knew it that well or not, we were
2 required to follow the Union handbook, and that's what
3 we did.

4 Q And so my question is, when you were making
5 these original determinations for the availability of
6 shifts and the labor pool and things of that nature,
7 Ms. Miller was on a medical leave at that time; is
8 that correct?

9 A Yes.

10 Q So was she in those early considerations for
11 the labor assignments?

12 A No. Because Ms. Miller had one of the least
13 seniorities on the day shift. She was the lowest
14 seniority on the day shift.

15 Q Okay. So she was one of the lower
16 seniorities of the day --

17 A On the day shift, yes. Yes. She was the --
18 actually, she was the lowest seniority on the day
19 shift.

20 Q And who were the other individuals on the
21 day shift if you know?

22 A There was a Michelle Wyatt, a Mary Roberts,
23 a Tina Lanberg [ph], Renee LaBo. Jessica Olslewski
24 [ph], but she had a mid-shift, but she had higher
25 seniority than Sheryl. Who else was there? There

1 were eight of them. Oh, Elaine Bruce.

2 Q So all of those individuals had higher
3 seniority than Ms. Miller?

4 A Yes. These employees had been there for,
5 you know -- except Renee LaBo, you know, like, 20
6 years. Sheryl started in 2017. And everything is
7 dictated by seniority with the Union.

8 Q And was that the case for the every other
9 weekend shifts as well?

10 A As far as what?

11 Q As far as what time period somebody would be
12 working on those every other weekend shifts.

13 A I don't understand your question.

14 Q So when people -- when Ms. Miller returned
15 there, she had her weekly schedule and then there was
16 a schedule to take a shift every other weekend; is
17 that correct?

18 A They're required to work every other
19 weekend.

20 Q Right. So what shift was she assigned to?

21 A She was on the afternoon shift every other
22 weekend, and she did this from July until she went
23 back on days, like, the beginning of October. So as
24 people left, she was able to move up as she -- because
25 when she first started off with, you know, the

1 hospital, she was on afternoons. Not at Trenton, at
2 Taylor. So within no time at all, she was able to
3 move up to a shift, but that's what we had available.
4 We had no 9 to 5:30 because we did not do the curbside
5 registration for surgeries. They did not work the
6 weekends. There was only a Monday through Friday.

7 Q So what were the weekend shifts that
8 Beaumont offered at that time?

9 A Days, afternoons, and midnights.

10 Q And what would the day shift have looked
11 like on the weekend?

12 A It's -- at that time it's 6:30 to 3. But
13 there was no place available for her. People with
14 higher seniority had it.

15 Q And these every other weekend shifts were
16 mandatory?

17 A Yes. For everyone, and they still are.

18 Q And during your time at the Beaumont,
19 Trenton location, did Ms. Miller ever apply for
20 another department to your knowledge?

21 A To another department?

22 Q Yeah. Outside of the PAR.

23 A No. She didn't apply to -- I don't know.
24 No. I don't know if she applied because we don't get
25 information about that. So employees are allowed to

1 go online and submit an online application. And they
2 don't have to have an approval from their current
3 supervisor, so they could go and apply. She applied
4 for a job within the department, but I don't know if
5 she did because, again, I have no knowledge of it.

6 Q And if someone has a corrective action on
7 their file, does that create any barrier to them
8 applying for another job or seeking a transfer?

9 A So in the past, I know there is language
10 about it. In the past, there was. There was
11 something out there, but I don't know since COVID if
12 they have changed that because, you know, they were
13 having a hard time keeping employees. So I don't know
14 if that's changed.

15 Q Do you remember what the effect or language
16 was of that policy that you're referring to?

17 A Well, it was on -- as I recall, and this was
18 quite some time ago, on the application itself, it
19 asked if you were a current employee and if you had
20 any corrective action within the past 12 months.

21 Q Okay.

22 A But again, I don't know if that's changed
23 since COVID.

24 Q So it was on the individual applications?

25 A Yeah. Yes.

1 Q Is there any other policy covering that
2 explaining what impact that might have on an
3 application, anything like that?

4 A I don't know.

5 MR. SHEAROUSE: I don't have anything
6 further.

7 MS. CULBERSON: Okay. I have a few.
8 Give me a second here.

9 MR. SHEAROUSE: Of course.

10 EXAMINATION

11 BY MS. CULBERSON:

12 Q You were asked previously about whether any
13 of your PAR employees were -- I'm sorry, if they
14 brought their own N95 masks during the beginning of
15 the pandemic.

16 A Okay.

17 Q Do you recall that?

18 A Yes.

19 Q Okay. Did anyone ask you if they could
20 bring their own mask or N95 mask?

21 A No. No one ever asked me.

22 Q Okay. So that includes -- so that's fair to
23 say that Ms. Miller also never asked you if she could
24 wear her own N95?

25 A No. Sheryl didn't ask me. What she did ask

1 me was if I could -- this is what she did ask me, if I
2 could put her in a position where she didn't have any
3 contact with patients. And I told her I didn't have
4 that position. And I told her, and she told me that,
5 you know, she's afraid to be around them, the
6 patients. And I said, "I understand," and I offered
7 her, you know, if she wants to, you know, do whatever
8 she had to do. She's not required to work, and she
9 would not lose her job at all. Sorry about that. I
10 thought I had it turned off.

11 Q No problem. Just --

12 A So --

13 Q Okay. Oh, I'm sorry. I didn't mean to cut
14 you off. So my question --

15 A No. Okay.

16 Q Sorry.

17 A The answer to your question is nobody ever
18 asked me if they could bring in their own.

19 Q Okay. If someone would have asked you if
20 they could bring in their own N95 mask from home in
21 late March of 2020, what would your answer have been?

22 A Right at that height? I mean, everything
23 broke out within that week, absolutely yes. Yes. You
24 can bring something. But don't forget, later on down
25 the line, all the rules were changing, too. So people

1 had to be fitted for their N95 masks, and they provide
2 that along with respirators, so on and so forth. So
3 every single day it was changing, every single day.
4 But Beaumont never prohibited -- they were very
5 flexible, very flexible, didn't prohibit anything, but
6 they wanted to make sure their employees plus the
7 patients were safe.

8 Q Okay. And you said part of that includes
9 making sure that the N95s were properly fitted and
10 things like that?

11 A Yes.

12 Q Okay. And you were also questioned about an
13 email between the Union -- I'm sorry, the chief Union
14 steward, Geri Souve, and some of the PAR staff from
15 July 31st of 2020 where it sounded like they were
16 upset about scheduling. Did the Union ever file a
17 grievance, at least with respect to your department
18 during COVID?

19 A No. I've never had the Union file a
20 grievance against me. Never. As a matter of fact,
21 the Union was working very closely with the hospital
22 during these times. They were out of contract and
23 they were working very, very closely. And all --
24 everything we followed was in the Union handbook of
25 how to redeploy people, and time off, so on and so

1 forth. We followed the Union handbook to a T. And I
2 think sometimes some of these Union stewards don't
3 know the exact language of the contract. I personally
4 didn't, but I went -- I went to the people who did
5 because I wasn't going to play around with this.

6 Q Okay. But overall, there were no grievances
7 because --

8 A Not one grievance. Not one.

9 Q Okay.

10 A And there were a couple of occasions and I
11 could say that, you know, when talking with Sheryl,
12 that Geri came in and Geri had agreed, the chief Union
13 steward had agreed with Beaumont about Sheryl's job
14 performance and had counseled her and coached her and
15 said, you know, "You got to do A, B, C, and D."

16 Q Okay. So you're not aware of any grievances
17 filed on Sheryl's behalf by the Union?

18 A No. The Union did not file a grievance
19 against me throughout the whole time I was there.

20 MS. CULBERSON: Okay. I have no more
21 questions.

22 MR. SHEAROUSE: Just one follow up.

23 EXAMINATION

24 BY MR. SHEAROUSE:

25 Q You said that the Union stewards often

1 didn't know the terms of the contract then that you
2 yourself didn't know, but you would go to the people
3 who did. Who were those people who did?

4 A I would go to HR, our HR, and those folks
5 knew the contract language.

6 Q Anyone in particular at HR?

7 A Chanel Warner. Michelle Cora. Michelle
8 Cora, and she's moved to Grosse Pointe. And, you
9 know, I firmly believe that, you know, sometimes with
10 Geri, and she's no longer with the company, by the
11 way. But, you know. After she'd meet with them --
12 because she just became a Union -- a chief -- I don't
13 know if it's a chief Union steward, but she just
14 because a Union steward right before that. So I think
15 she was learning herself, also. And, you know,
16 there's many a time she -- to be honest with you, she
17 defended Beaumont. But she's got to put out those
18 emails to her employees.

19 MR. SHEAROUSE: Nothing further.

20 MS. CULBERSON: Okay.

21 MR. SHEAROUSE: All right. Thank you
22 so much for your time.

23 THE REPORTER: I do have some verified
24 spellings for this witness. Do we have any orders for
25 this witness as well before I go into that?

1 MR. SHEAROUSE: Yeah. E-trans as well,
2 please.

3 THE REPORTER: Okay. Same. E-trans.

4 MS. CULBERSON: Yep.

5 THE REPORTER: All right. Thank you.

6 The time is 3:23 p.m. We are now off the record.

7 (Whereupon, at 3:23 p.m., the
8 proceeding was concluded.)

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1 CERTIFICATE OF DEPOSITION OFFICER

2 I, PRISCILLA GIBBS, the officer before whom
3 the foregoing proceedings were taken, do hereby
4 certify that any witness(es) in the foregoing
5 proceedings, prior to testifying, were duly sworn;
6 that the proceedings were recorded by me and
7 thereafter reduced to typewriting by a qualified
8 transcriptionist; that said digital audio recording of
9 said proceedings are a true and accurate record to the
10 best of my knowledge, skills, and ability; that I am
11 neither counsel for, related to, nor employed by any
12 of the parties to the action in which this was taken;
13 and, further, that I am not a relative or employee of
14 any counsel or attorney employed by the parties
15 hereto, nor financially or otherwise interested in the
16 outcome of this action.



17 PRISCILLA GIBBS

18 Notary Public in and for the
19 State of Michigan

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1 CERTIFICATE OF TRANSCRIBER

2 I, ANDEE WILCOX, do hereby certify that this
3 transcript was prepared from the digital audio
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5 transcript is a true and accurate record of the
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8 nor employed by any of the parties to the action in
9 which this was taken; and, further, that I am not a
10 relative or employee of any counsel or attorney
11 employed by the parties hereto, nor financially or
12 otherwise interested in the outcome of this action.

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15 ANDEE WILCOX
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